

A

REVIEW

OF THE

STATE

OF THE

ENGLISH NATION.

Saturday, May 11. 1706.

THE Posture of our present Affairs abroad, affording Subject of useful Observation, I am inclin'd to adjourn a little my intended Discourse on a Union with *Scotland*, for some Time.

We have now a little Information more than in our last, relating to the Affairs abroad; and I am sorry, I cannot say, some Parts of them do not look with that promising Aspect, that we had reason to hope for.

The Superiority of the *French* upon the *Rhine*, has had almost the very same Effect, which I foretold in my last; and indeed, a small Deal of Prophecy might furnish any Man to have made the same Conjecture.

'Tis a miserable Reflection to look back upon the Confusions of the Empire, that no Arguments can prevail with them to defend

themselves against an Invasion, which their own Reason could not but foretell them for some Months past, was preparing for them; for the Preparations for this Expedition have not been made in Silence and in Stealth.

Could these States, Circles, and Princes; whose Contingents are wanting, and whose Quota of Troops is not compleat, but be ruin'd alone, no Man would pity them; but the Effects of these things are felt even to *England*, and to every part of the Confederacy; and what the Event of such things may be, who shall foretell?

When the *French* shall have taken *Haguenau*, and we are assur'd it can make no long Resistance, what shall hinder them, laying the 3th Siege to *Landau*, and taking it too before you can be ready to relieve it? or what shall now hinder Marshal *Villars* from

from marching 25000 Men thro' the Heart of *Germany* again into *Bavaria*, and making them up to double that Number there out of the exasperated *Boors*.

If these things happen, as I see nothing can prevent, but a second *Bavarian* March of the Duke of *Mariborough*; We shall give but a very indifferent Account of the Campaign, and of all our forward Hopes of breaking into *France*. 'Tis true, 'tis a long March into *Bavaria*, and the *Fr.* must take *Ulm* and *Meiningen* in their way, for their Retreat will be cut off; but we know also that these Towns cannot hold long, and we have no Reason to hope are very well provided to defend themselves.

Add to these things the Posture of Affairs in *Italy*, where if Prince *Eugene* should receive another Blow, we may soon find the *French* a second Time at the Gates of *Trent*, and opening a Communication with *Bavaria* by the Passes of *Tirol*.

What shall we say in the mean time, that the Palatine Troops, tho' that Prince has always been thought sincerely in the Interest of the Empire, are not yet stirr'd from their Quarters, tho' hir'd last year to assist Prince *Eugene*? These are the Hopes deferr'd, which make the Heart of the Confederacy sick; and if that brave Prince, who has always had insuperable Difficulties to struggle with, as well as a superiour Enemy, should be disappointed of his Succours, and baulk't in his Attempts, the Consequences are short and easie, your faithful and steady Ally the Duke of *Savoy* will be inevitably ruin'd, his Capital City fall into the Hands of the *French*, from which Hour they will be at leisure to spare 25000 Men to march immediately into *Catalonia*, and unravel all your Conquest in *Spain*.

I do not pretend to say these things are directly in the View of the *French*; I thank God I am in none of their Measures; but I appeal to the Knowledge of every private Reader, whether these Conjectures are not rational; and whether we may not very easily see things very feasible in the Process of a victorious *French* Army, when no Concert, no Union of Councils, no Conjunction of

Forces, no timely Preparations are in our View on the other side.

'Tis very hard, that People will not be instructed by their own Losses, and that the very Circles, that have been most harass'd by the *French*, should not be forward to prevent the like Distractions.

If this Blow be prosecuted by the *French* with their usual Vigour, and the naked Condition of the *Germans* made a full Improvement of, what may not be the Consequences of it to those particular Countries? What will not the Palatinate, the Countries upon the *Rhine*, and the Circles of *Suabia* and *Frankonia*, suffer, and what the State of the Empire itself may be in a few Months after, any one may guess, who knows what Condition it had long since been in, had not the Battle of *Bleinheim* turn'd the Scale.

But I leave this melancholy Story, and look nearer home. We are now at the middle of *May*, their *Stile*, and yet even our own Troops not yet in the Field, Conferences and Debates, settling Measures, takes up the Duke of *Mariborough*, and his Grace has not yet found it possible to put himself at the Head of his Troops, or to open the Scene of Action.

This is an Unhappiness, and the whole Confederacy suffers by it; our Conjectures have cut out a great deal of Work for that Prince; and some will have it be, that he designs no less a March than that of *Italy*; but whoever thinks so, and remembers, that they are but now drawing into the Field about *Maestricht*, must reckon them something more than Men to expect them to be there, before the Scale will turn very much to our Disadvantage elsewhere; and if *Monsieur Villars* improves the Time he has before him, he may cut us out Work nearer home, which I wish may not be true.

I am unwilling to enquire why our Troops in *Holland* take the Field late, and the private Difficulties there about Command, shall yet be none of my Enquiry; the Reason of those things will appear in the Event; and tho' the Misfortune is to the whole Confederacy, the ill Use made of other things here, cannot be extended thither.

I know there are some Gentlemen who smile at these things, and say, that the Success of Affairs abroad must occasion new Measures at home, and a Change of Instruments; and that Victory they esteem equal to a *Blenheim*, or to taking *Madrid*; but as I am not of their Opinion as to the Consequence, so I would refer them to the *French King* himself, for an Example in that Case,— and let them observe how he treats even those Officers, that have the worst Success. How did he treat the Duke de *Villeroy*, who suffer'd himself to be surpriz'd in his Quarters by Prince *Eugene*, and taken within the Walls of a Garrison'd Town; an Error unpardonable in a General by the Rules of War? How has he rewarded the *Marshal Tallard*, for losing the Battle of *Blenheim*, with a much greater Present than we rewarded the Duke of *Marlborough*

for gaining it, viz. the Government of *Burgogne*?

But why, Gentlemen, must the Managers of our Affairs be answerable for Events abroad? Can the Duke of *Marlborough* prevent the Delays of the backward *Germans*, or reconcile the ambitious Rival Generals? Can *England*, whose Preparations are superiour to all the Confederates, and in all Places ready for Action; Can we answer for the Error and Negligence of foreign Princes? This is a way of judging, that is so peculiar to the Party, that with some People out, onely that they may get in, that I cannot think it needs any Notice: and therefore I break off here; and shall in my next make an Essay, by way of rational Conjecture, what may happen on the other side, that we may look a little on the bright side, as well as the black side of things.

MISCELLANEA.

THE following Letter, tho' indifferently worded, yet as I thought it might be useful in some Cases of Trade, I have inserted; that the Answer may serve the like Cases, if any are on foot, to the Advantage both of Debtor and Creditor.

S I R, May, 9th. 1706.

SOME time ago, you was treating of the Benefits that Bankrupts would receive by this Act of Parliament, and of the Lawfulness of their delivering up all on Oath; no question but it is lawful before God and Man, for those that take the Benefit of the Act, to deliver up their all freely on Oath; but this I have heard long before this Act came forth, that Debtors have offer'd so much pr.^d. to their Creditors, or their all on Oath, which they pleas'd to except; and the Creditors thinking to make the best Choice, have chosen to take the Debtors all, rather than his Offer of Composition; and when they have made their best of his all, they could not make half so much of it as the Debtor had offer'd them; for no Man

can make so much of another Man's, as himself. I am a Creditor to one that is a Bankrupt, and would have your Advice, whether I had not better to comply with him, to take a Composition than his all on Oath; for fear those that will not be honest one way, will not be honest the other way; your Advice in this will oblige

Your humble Servant.

W. T.

To this Case I answer, the meaning of the Act of Parliament for preventing Frauds committed by Bankrupts, is without question various, but every way conforming to Justice and Reason in the highest manner.

'Tis but just and reasonable, that every Debtor should deliver up all his Effects to the Creditor or to his Use, the Reason is plain; for it is the Creditors own, and no Man ought to detain another Man's Right.

'Tis

'Tis but just and reasonable, that every Debtor, faithfully delivering his All to the Use of his Creditors, should be restor'd to Liberty, that he may work for more; and that he or his innocent Family may not be starv'd; for the Children of a Bankrupt are here punish'd for the Father's Transgression, and no Man ought to be starv'd, much less the innocent Off spring of the unfortunate.

Now the Case before me, I understand to be a circumstantiated Objection, which tho' it be really no binding Objection in the Law, yet in Prudence it may be moving; and I state it thus, A Debtor or Bankrupt comes in, and offers his All to his Creditors; but tells them, look ye, Gentlemen, all my Effects are here stated to you, and I am ready to surrender them to you, as the Law directs; as they are in Debts, which perhaps may be precarious and doubtful Effects and Goods, which to be sold as they are, will yield but little Accounts abroad; which if only call'd for by you, will come short and deficient, and the whole will not in all probability come to above 5 s. in the l. as you may dispose of it: but as I know how to improve these things, how to make the best of them, how to work up the Goods in my way, or sell them in my Trade, they will be of much more Value to me; if therefore you will leave them all to me, or having receiv'd the Surrender, sell back the said Effects to me, I'll pay you 8 s per l. for them at such and such Payments.

I cannot think, but prudentially speaking, the Creditors of such a Man must be very much wanting to their own Interest, and seem to retain some ill Nature against the Debtor, that shall not accept it.

But if I were to advise the Debtor in such a Case, it should be with all possible Plainness and Honesty, first, to convince the Creditors, that it is his whole Estate that he offers to deliver, and that his separate Offer is not that he has made any reserve from them but really and *bona fide*, that the Advantage of making the best of his Effects enables him to perform what he offers, for else this Proposal may open adoor to fraud and concealment.

When he has thus fairly and honestly offer'd them a general Surrender, and they see of what Effects or Goods the said Surrender does consist, they will be better able to judge; whether the Advantage he can make more than they, and they and the Advance he offers upon the Composition, bear any proportion.

On the other hand, there is no doubt, that when Effects come to be sold by Creditors and Commissions, strange Havock is often made of Men's Estates, and the Produce of a Man's Goods left so to the Mercy of unreasonable Men, is frequently little or nothing compar'd to the Value.

This Act therefore has wisely provided, that let the Creditor now be an ill Husband of the Effects, 'tis for himself, before 'twas for the poor Debtor, and the Deficiency lay upon him, sometimes as long as he liv'd: — But since now the Man is to be delivered, let the Produce be what it will, I cannot think, but the Creditor will always see it is Interest to make the best of his Estate; which without doubt none can do so well as the Debtor, if they are but once satisfied of his Honesty.

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